



# Critical Habitat

When the Fish and Wildlife Service proposes a listing under the Endangered Species Act, we are required to consider whether there are geographic areas that are essential to conserve the species. If so, we may propose designating these areas as critical habitat.

## What is critical habitat?

Critical habitat is the specific areas within the geographic area, occupied by the species at the time it was listed, that contain the physical or biological features that are essential to the conservation of endangered and threatened species and that may need special management or protection. Critical habitat may also include areas that were not occupied by the species at the time of listing but are essential to its conservation.

An area may be excluded from critical habitat designation based on economic impact, the impact on national security, or any other relevant impact, if we determine that the benefits of excluding it outweigh the benefits of including it, unless failure to designate the area as critical habitat may lead to extinction of the species.

Critical habitat designations affect only Federal agency actions or federally funded or permitted activities. Critical habitat designations do not affect activities by private landowners if there is no Federal “nexus”—that is, no Federal funding or authorization.



*Leopard darter, credit Rich Standage/US Forest Service.*

Federal agencies are required to avoid “destruction” or “adverse modification” of designated critical habitat. The ESA requires the designation of “critical habitat” for listed species when “prudent and determinable.”



*Mountain Fork at Narrows, Arkansas, credit Rich Standage/US Forest Service*

## How many species have critical habitat designations in Arkansas?

The Service has designated critical habitat for two other aquatic species—leopard darter (designated in 1978) and yellowcheek darter (designated in 2012).

For the leopard darter, the Service designated critical habitat in the Mountain Fork Little River (Polk County), comprising approximately 21 river miles.

For the yellowcheek darter, the Service designated critical habitat in the South Fork, Devils Fork, Middle Fork, and Archey Fork Little Red River (Stone, Searcy, Cleburne, and Van Buren Counties), comprising approximately 102 river miles.

## What provisions of the Endangered Species Act relate to critical habitat?

To protect endangered and threatened species, the ESA makes unlawful a range of activities involving such species without a permit for purposes consistent with conservation goals of the Act. These

activities include take, import, export, and interstate or foreign commerce. “Take” includes kill, harm, harass, pursue, hunt, capture, or collect or to attempt to engage in any such conduct.

The ESA requires Federal agencies to use their authorities to conserve endangered and threatened species and to consult with the Service about actions that they carry out, fund, or authorize to ensure that they will not destroy or adversely modify critical habitat. The prohibition against destruction and adverse modification of critical habitat protects such areas in the interest of conservation.

## How does the Service determine areas to designate as critical habitat?

Biologists consider physical and biological features that the species needs for life processes and successful reproduction. These features include:

- space for individual and population growth and for normal behavior;

- cover or shelter;
- food, water, air, light, minerals, or other nutritional or physiological requirements;
- sites for breeding and rearing offspring, germination, or seed dispersal; and
- habitats that are protected from disturbances or are representative of the historical geographical and ecological distributions of the species.

### What is the process for designating critical habitat?

The Service may propose to list a species and concurrently propose to designate critical habitat, or it can address a species' critical habitat up to a year after the date of its listing. The Service proposes a critical habitat designation, publishing it in the Federal Register and requesting public comments. We may modify a proposal as a result of information provided in public comments. We base our final designation of critical habitat on the best scientific data available, after taking into consideration the probable economic and other impacts of the designation. After reviewing the comments, the Service responds to them and publishes a rule, including final boundaries, in the *Federal Register*.

### Are Federal agencies required to consult with the Service outside critical habitat areas?

Yes, even when there is no critical habitat designation, Federal agencies are required fulfill their conservation responsibilities by consulting with the Service if their actions "may affect" listed species. The requirement helps to ensure that Federal agencies do not contribute to the decline of endangered and threatened species or their potential for recovery.

### What is the purpose of designating critical habitat?

Designating areas as critical habitat does not establish a refuge or sanctuary for a species. Critical habitat is a tool to guide Federal agencies in fulfilling their conservation responsibilities by requiring them to consult with the Service if their actions may "destroy or adversely modify" critical habitat for listed species. A critical habitat designation helps to protect areas - occupied and unoccupied - necessary to conserve a species. Critical habitat has value in requiring the Service to gather more detailed information about a species than what is required for listing, thereby increasing knowledge to share with Federal agencies - and, in turn, increasing their effectiveness.

### The areas shown on critical habitat maps are often large. Are all the areas within the mapped boundaries considered critical habitat?

No. Our rules typically exclude developed areas such as buildings, roads, airports, parking lots, piers, and similar facilities. Accompanying text describes those areas.

Critical habitat is designed to protect the essential elements of physical and biological features of a landscape and essential areas in the appropriate quantity and spatial arrangement that a species needs to survive and reproduce.

### Why are large areas shown on critical habitat maps if the entire area is not actually considered critical habitat?

In some cases, precisely mapping critical habitat boundaries is impractical or impossible, because the required descriptions for these precise boundaries would be unwieldy.

### Does the Act require consideration of economic impacts as part of designating critical habitat?

Yes. The Service is required to consider potential economic impacts, as well as any other benefits or impacts of designating critical habitat - and may exclude an area if the benefits of excluding it outweigh the benefits of including it unless that would result in the extinction of the species.

### Do economic considerations affect decisions to list species as endangered or threatened?

No, the ESA requires listing decisions to be made solely on the basis of the best available scientific and commercial information.

### What is the impact of a critical habitat designation on economic development?

Most activities that require consultation by Federal agencies proceed without modification. In areas where the species is not present, some project modifications that would not have occurred without the critical habitat designation may be required. For example, the U.S. Army Corps of Engineers may schedule a beach renourishment project - that is sadding sand to a beach to stabilize it - before or after the nesting season of sea turtles to avoid harm to the sea turtles, their eggs, or their hatchlings.

### Does designating critical habitat mean no further development can occur?

No. A critical habitat designation does not necessarily restrict further development. It is a reminder to Federal agencies of their responsibility to protect the important characteristics of these areas.

### Does a critical habitat designation affect all activities that occur within the designated area?

No. Only activities that involve a Federal permit, license, or funding, and are likely to destroy or adversely modify critical habitat will be affected. If this is the case, we will work with the Federal agency and landowners - including private landowners - to amend their project to enable it to proceed without adversely affecting critical habitat. Most Federal projects are likely to go forward, but some may be modified to minimize harm.

<http://www.fws.gov/endangered/>

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